

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Scott S. Dextradeur
Anita Dextradeur
Debtor(s)

Bankruptcy Case No.: 13-23455-GLT
Issued Per 9/22/2016 Proceeding
Chapter: 13
Docket No.: 109 – 104
Concil. Conf.: September 22, 2016 at 02:30 PM

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated August 15, 2016 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on Sep. 22, 2016 at 02:30 PM, in 3251 U.S. Steel Tower, 600 Grant Street, Pittsburgh, PA 15219.*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to it's administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☐ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: .
- ☒ H. Additional Terms: A Fee Application is needed if any fee (including retainer) exceeds \$3,700.00 including any fees paid to prior counsel.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

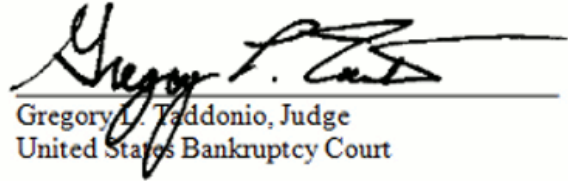
C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

- A.** After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.
- B.** Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).
- C.** Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.
- D.** Debtor's counsel must file a fee application in accordance with *W.P.A.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.
- E.** The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.
- F.** In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.



Gregory A. Taddonio, Judge
United States Bankruptcy Court

Dated: September 23, 2016

cc: All Parties in Interest to be served by Clerk in seven (7) days

Imaged Certificate of Notice Page 4 of 5

United States Bankruptcy Court
Western District of PennsylvaniaIn re:
Scott S. Dextradeur
Anita Dextradeur
DebtorsCase No. 13-23455-GLT
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: dbas
Form ID: 149Page 1 of 2
Total Noticed: 37

Date Rcvd: Sep 23, 2016

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on
Sep 25, 2016.

db/jdb
cr
+Scott S. Dextradeur, Anita Dextradeur, 17 West Vine Street, Mount Pleasant, PA 15666-1421
+Bank of America, N.A., c/o Prober & Raphael, 20750 Ventura Blvd., #100,
Woodland Hills, CA 91364-6207
13695817 ACS Education Services, P.O. Box 7051, Utica, NY 13504-7051
13695818 +Amanda M. Zimmerman, DC, 451 Hyde Park Road, Suite 200, Leechburg, PA 15656-9417
13695820 ++BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238
(address filed with court: Bank of America, NA, 4161 Piedmont Parkway,
Greensboro, NC 27410)
13745713 +CAPITAL ONE BANK (USA), N.A., PO Box 12907, Norfolk, VA 23541-0907
13695821 Capital One, P.O. Box 30285, Salt Lake City, UT 84130-0285
13695822 +Capital One / Direct Merchants Bank, P.O. Box 30253, Salt Lake City, UT 84130-0253
13695824 +Capital One Bank, P.O. Box 30281, Salt Lake City, UT 84130-0281
13695823 Capital One Bank, P.O. Box 30285, Salt Lake City, UT 84130-0285
13743053 Capital One Bank (USA), N.A., PO Box 71083, Charlotte, NC 28272-1083
13695826 +Children's Community Pediatric, 11279 Perry Hwy, Suite 450, Wexford, PA 15090-9394
13695828 +Credit First N.A./Firestone, P.O. Box 81083, Cleveland, OH 44181-0083
13719383 +Credit First NA, PO Box 818011, Cleveland, OH 44181-8011
13695830 +Dr. Susan Susang D.M.D., 593 Rugh Street, Greensburg, PA 15601-5637
13981218 ECMC, P.O. BOX 16408, ST. PAUL, MN 55116-0408
13695831 FedLoan Servicing, U.S. Dept. of Education, P.O. Box 69184, Harrisburg, PA 17106-9184
13695832 +GC Services LP, Collection Agency Division, 6330 Gulfport, Houston, TX 77081-1108
13695834 Latrobe Hospital, One Mellon Way, Latrobe, PA 15650-1197
13695835 +M & T Bank Mortgage, PO Box 900, Millsboro, DE 19966-0900
13717574 +PHEAA, PO Box 8147, Harrisburg, PA 17105-8147
13695837 ++Radiologic Consultants, LTD, 514 Pelliss Rd. Suite 200, Greensburg, PA 15601-4593
13826091 The Bank of New York Mellon, et al, c/o Prober & Raphael, Attorneys For Secured Creditor,
P.O. Box 4365, Woodland Hills, CA 91365-4365
13695839 +Toyota Motor Credit Corp, P.O. Box 9786, Cedar Rapids, IA 52409-0004
13707807 Toyota Motor Credit Corporation (TMCC), PO BOX 8026, Cedar Rapids, Iowa 52408-8026
13695841 +Westmoreland Hospital, 532 W. Pittsburgh Street, Greensburg, PA 15601-2282

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
cr

+E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Sep 24 2016 01:39:03
PRA Receivables Management, LLC, POB 41067, NORFOLK, VA 23541-1067
13730467 +E-mail/Text: bncmail@w-legal.com Sep 24 2016 01:33:26 ALTAIR OH XIII, LLC,
C O WEINSTEIN AND RILEY, PS, 2001 WESTERN AVENUE, STE 400, SEATTLE, WA 98121-3132
13695819 +E-mail/Text: girddb@aessuccess.org Sep 24 2016 01:33:00 American Education Services,
PHEAA, 1200 North Seventh Street, Harrisburg, PA 17102-1444
13695827 +E-mail/Text: ccusa@ccuhome.com Sep 24 2016 01:32:48 Credit Collections USA,
16 Distributor Drive, Suite 1, Morgantown, WV 26501-7209
13695829 E-mail/Text: creditonebknotifications@resurgent.com Sep 24 2016 01:32:52 Credit One Bank,
PO Box 98873, Las Vegas, NV 89193-8873
13764107 E-mail/PDF: resurgentbknotifications@resurgent.com Sep 24 2016 01:39:35
LVNV Funding, LLC its successors and assigns as, assignee of FNMN, LLC,
Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
13760385 E-mail/Text: camanagement@mtb.com Sep 24 2016 01:32:58 M & T Bank, P.O. Box 1288,
Buffalo, New York 14240
13761243 E-mail/Text: bkr@cardworks.com Sep 24 2016 01:32:47 MERRICK BANK,
Resurgent Capital Services, PO Box 10368, Greenville, SC 29603-0368
13695836 +E-mail/Text: bkr@cardworks.com Sep 24 2016 01:32:47 Merrick Bank, 10705 S Jordan Gateway,
Suite 200, South Jordan, UT 84095-3977
13873482 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Sep 24 2016 01:39:33
Portfolio Recovery Associates, LLC, POB 41067, Norfolk, VA 23541
13695840 +E-mail/Text: External.Collections@phoenix.edu Sep 24 2016 01:33:41 University of Phoenix,
4615 E. Elwood Street, Phoenix, AZ 85040-1908

TOTAL: 11

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr M&T BANK
cr The Bank of New York Mellon
cr* ECMC, P.O. Box 16408, St. Paul, MN 55116-0408
13695825 ##Capital One Bank, Orchard Bank/HSBC Card Services, PO Box 80084, Salinas, CA 93912-0084
13695833 ##Integrity Solution Services, Inc., 7825 Washington Avenue S, Suite 200,
Minneapolis, MN 55439-2400
13695838 ##+Seton Hill Child Services, 1011 Old Salem Road, Suite 109, Greensburg, PA 15601-1017

TOTALS: 2, * 1, ## 3

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Page 2 of 2
Total Noticed: 37

Date Rcvd: Sep 23, 2016

***** BYPASSED RECIPIENTS (continued) *****

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Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update. While the notice was still deliverable, the notice recipient was advised to update its address with the court immediately.

Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Sep 25, 2016

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on September 23, 2016 at the address(es) listed below:

Alexandra Teresa Garcia on behalf of Creditor M&T BANK ecfmail@mwc-law.com
Ann E. Swartz on behalf of Creditor M&T BANK ecfmail@mwc-law.com
Celine P. DerKrikorian on behalf of Creditor M&T BANK ecfmail@mwc-law.com
Daniel R. White on behalf of Joint Debtor Anita Dextradeur dwhite@zeblaw.com,
michelle@zeblaw.com;ethomas@Zeblaw.com;dwhite.zmw@gmail.com
Daniel R. White on behalf of Debtor Scott S. Dextradeur dwhite@zeblaw.com,
michelle@zeblaw.com;ethomas@Zeblaw.com;dwhite.zmw@gmail.com
Joshua I. Goldman on behalf of Creditor M&T BANK bkgroup@kmlawgroup.com
Laurence A. Mester on behalf of Creditor The Bank of New York Mellon
lmester@mesterschwartz.com, jottinger@mesterschwartz.com;jschwartz@mesterschwartz.com
Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteewdpa.com

TOTAL: 9